

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SHAWN DRUMGOLD,)	C.A. NO. 04-11193NG
Plaintiff)	
)	
v)	
)	
TIMOTHY CALLAHAN, ET AL.)	
Defendant(s))	
)	

**PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION TO
CONTINUANCE OF DISCOVERY DEADLINES**

Here comes the Plaintiff and objects to a general continuance of discovery in this matter. There are a few loose discovery ends which can be resolved by cooperation among counsel in a short period of time. There is no need for a three-month extension of discovery. The loose ends to be resolved are:

- A. Scheduling the deposition of Edward McNelly, a half day deposition.
- B. Scheduling the last of three days of the deposition of Shawn Drumgold.
- C. Scheduling the second day of the deposition of David Meier.

The deposition of Timothy Callahan was completed on May 31, and the deposition of Madalyne Hamilton was completed on May 30. There is no reason that the depositions of Drumgold, Meier and McNelly cannot be completed within the next two weeks, or at the latest by the end of June.

The Defendants are seeking to compel the depositions of certain witnesses who the court has ordered to appear. There is no reason to continue the general discovery deadlines because of the process of moving to compel those witnesses.

It is apparent that the Defendants will extend discovery as long as the court allows discovery to go forward. It is clear that there will never be a date when the Defendants will pronounce themselves satisfied that they have completed the discovery.

The Plaintiff moves this court to issue the following order:

1. The parties have until June 30, 2007 to complete the depositions of Shawn Drumgold, David Meier, and Edward McNelly.
2. The Defendants shall promptly take whatever action is necessary to compel the appearance of any witness whose deposition has been noticed on or before May 30, 2007 and who has failed to appear.
3. Plaintiff shall file expert reports on or before July 1, 2007. Defendants shall file expert reports on or before July 30, 2007.
4. Any motions for summary judgment should be filed on or before August 30, 2007. Any responses shall be filed on or before September 30, 2007.
5. Plaintiff moves this court, if possible within the court's schedule, to set a firm trial date of December 3, 2007.

Respectfully submitted,
By His Attorneys,

/s/ Michael Reilly
Michael W. Reilly, Esq.
Tommasino & Tommasino
Two Center Plaza
Boston, MA 02108
617 723 1720
BBO 415900

/s/ Rosemary Curran Scapicchio
Rosemary Curran Scapicchio, Esq.
Four Longfellow Place
Boston MA 02114
617 723 2900
BBO 55831